IN THE HIGH COURT OF JUDICATURE OF ANDHRA PRADESH
AT HYDERABAD

(SPECIAL ORIGINAL JURISDICTION)

WEDNESDAY THE TWENTY FOURTH DAY OF MARCH

TWO THOUSAND AND FOUR

: PRESENT :

THE HON'BLE DR. JUSTICE **MOTILAL B. NAIK**

AND

THE HON'BLE MR.JUSTICE **DALAVA SUBRAHMANYAM**

W.P. No. 5645 of 2004

Between:

Sahun Khan

Petitioner

AND

1. The Deputy Transport Commissioner and Secretary, Regional Transport Authority, Chittoor
2. The Assistant Motor Vehicle Inspector, Transport Department, Check Post, Palamaner, Chittoor District

Respondents

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein, the High Court will be pleased to issue an appropriate writ, order or direction more particularly one in the nature of writ of mandamus declaring the action of the 2nd respondent in seizing the petitioner's vehicle bearing registration NO.HR 38/D 5466 under Check Report No.2227587 dated 3-3-2004 as illegal and arbitrary and consequently direct the respondents herein to release the vehicle bearing registration No.HR 38/D 5466 seized under check Report NO. 2227587 dated 3-3-2004 in favour of the petitioner.

The petition coming on for orders as to admission, upon perusing the petition and the affidavit filed therein and upon hearing the arguments of MR. Arifulla Advocate for the petitioner and G.P. for Transport on behalf of the Respondents.

The Court made the following ORDER:

"Seizure the petitioner's vehicle bearing NO. HR 38/D 5466 by the 2nd respondent under Vehicle Check Report NO. 2227587 dated 3-3-2004 is challenged before this court on various grounds.

Heard the learned counsel for the petitioner and the learned Special Government Pleader for Taxes for the respondents.

Having regard to the facts and circumstances of the case, without going into the merits of the case, we dispose of the writ petition directing the respondents to release the vehicle in question and the documents seized, if any, in favour of the petitioner on condition of the petitioner depositing an amount of Rs.10,000/- (Rupees ten thousand only) with the appropriate authority and on furnishing an undertaking to the effect that he would not alienate, sell or transfer the vehicle in question to the third parties pending enquiry and would produce the same as and when required by the authorities for the purpose of enquiry. This deposit of the amount and release of the vehicle shall be subject to the result of the enquiry that would be conducted by the authorities according to law. No order as to costs."

ASSISTANT REGISTRAR

// TRUE COPY //

for ASSISTANT REGISTRAR

To

1. The Deputy Transport Commissioner and Secretary, Regional Transport Authority, Chittoor
2. The Assistant Motor Vehicle Inspector, Transport Department, Check Post, Palamaner, Chittoor District (R1 and R2 BY RPAD)
3. Two CCS to the G.P. for Transport, High Court of A.P. Hyderabad(OUT)
4. One Spare Copy

YVN

HIGH COURT

DR. MBNJ
&
DSMJ

DATED: 24-3-2004

ORDER
W.P.NO. 5645 OF 2004

DIRECTION